

REMARKS

Claims 1-23, 32-42, and 44-52 were pending as of the action mailed on March 8, 2010. Claims 1, 20, 23, 32, 37-39, 42, 44, 47-49, and 52 are in independent form.

Claims 1, 20, 23, 32, 37-39, 42, 44, 47-49, and 52 are being amended to clarify antecedent basis and without changing the scope of the claims. No new matter has been added.

Reconsideration of the action is respectfully requested in light of the foregoing amendments and the following remarks.

The examiner rejected claims 1-4, 6-7, 11-18, 20-23, 32-42, and 44-52 under 35 U.S.C. § 102(b) as allegedly being anticipated by Microsoft Outlook 2000, Copyright 1995-1999, Fig. 1 ("Outlook"). The examiner rejected claims 5 and 19 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Outlook. The examiner rejected claims 8 and 9 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Outlook in view of U.S. Patent No. 5,704,051 ("Lane").

Section 102 Rejections

Claim 1

Claim 1 recites displaying a table of data as an element of a graphical user interface display and displaying a set of markers, each marker being associated with a row of the table or each marker being associated with a column of the table, the table of data having a plurality of sort keys having a specified sort key order including a most significant sort key, each sort key being a row or each sort key being a column of the table, each sort key having a sort direction, each sort key having a position in the sort key order.

Claim 1 further recites establishing the row or column associated with the user-selected marker as the most significant sort key in the sort key order in response to the input gesture selecting the marker and where establishing the row or column as the most significant sort key includes maintaining the sort direction from the sort key order, and maintaining the positions and the sort directions of the two or more remaining sort keys in the sort key order.

The examiner states that Outlook 2000 teaches establishing a row or column associated with a user-selected marker as the most significant key at FIG. 9. In particular, the examiner

states that FIG. 9 shows “the sort key order as it is after the drag is performed, now the type marker is at the top, while name and size is pushed down the chain” (Office Action, page 3). Additionally, the examiner identified a drag operation of a marker as the claimed input gesture selecting a marker “the type marker is selected and is dragged to the left-top corner of Name, where it is dropped” (Office Action, page 3). The applicant respectfully disagrees.

The cited figures of Outlook 2000 show a drag operation that establishes a sort key at the top of the sort order. However, this is responsive to dragging the marker to the top location and not in response to the user selection of the marker. Selecting the marker without dragging does nothing. Claim 1 recited “establish the row or column associated with the user-selected marker as the most significant sort key in the sort key order in response to the input gesture selecting the marker.” The applicant respectfully submits that the cited portions of Outlook 2000 do not teach or suggest establishing the row or column associated with the user-selected marker as the most significant sort key in the sort key order in response to the input gesture selecting the marker.

In the examiner's Response to Arguments, the examiner states that since dragging includes a selection, any other functions performed are irrelevant. *See* Office Action, page 12. The applicant respectfully disagrees. Dragging a marker to establish a sort position does not correspond to establishing a row or column as the most significant sort key in response to selecting the marker. The examiner does not provide any evidence in support of the assertion that dragging is the same as selecting.

The claim affirmatively requires that the establishing is “in response to the input gesture selecting the marker.” Even assuming that a marker is selected in order to drag it to a particular location, this is irrelevant as to the claim limitation. In Outlook 2000 it is the dragging of the marker to a particular location that defines the position in the sort order, not the selection of the marker. That selecting is incidental to the dragging operation does not teach or suggest the required action as being “in response to the input gesture selecting the marker.” The applicant respectfully submits that the examiner has failed to identify the claimed action in Outlook 2000 as being in response to the selection of the marker.

Claim 1 also recites maintaining the positions and the sort directions of two or more remaining sort keys in the sort key order.

The examiner states that Outlook 2000 shows maintaining the sort directions of the remaining sort keys because the examiner generated figure shows each to be in ascending direction. However, all the examiner's artificial figure has shown is that the sort keys have a default sort direction.

In the examiner's Response to Arguments, the examiner states that "[r]egardless of whether the sort directions are maintained as a result of default direction being maintained, or otherwise, it is sufficient that at least in one scenario the sort directions are maintained, so as to read upon the claims" (Office Action, page 12). The applicant respectfully disagrees. The applicant respectfully submits that this is not an accurate statement of the requirements to reject a claim feature. Moreover, the applicant respectfully submits that the examiner contradicts the requirements of the claim by indicating that the reason for maintaining the sort direction is immaterial.

The claim affirmatively requires that "establishing the row or column as the most significant sort key includes maintaining the positions and the sort directions of two or more remaining sort keys in the sort key order." Thus, the maintaining is part of establishing the row or column as the most significant sort key. In order to reject the claim based on Outlook 2000, the examiner must show a teaching in Outlook 2000 that maintaining the sort direction is tied to establishing the row or column as the most significant sort key and not merely because that is the default direction in the example screenshots generated by the examiner. Since the examiner has not provided any evidence that the sort direction is maintained as part of establishing a particular sort key order, the examiner has failed to establish a *prima facie* case for rejecting this requirement of claim 1.

Additionally, since the examiner has only provided generated screenshots, the applicant previously requested that the examiner provide screenshots corresponding to a condition in which a sort key direction is changed from the default (e.g., to descending direction) followed by establishing a sort key as the most significant key to determine whether the remaining sort key will maintain the descending direction following the change in sort key order or whether the sort direction will revert to the default ascending direction for all sort keys. Since the relied upon figures are not clear as to the mechanism being shown, the applicant respectfully submitted that

the figures were insufficient to teach the claimed feature. The examiner did not provide this requested showing.

Claim 1 further recites sorting the respective rows or columns of the table of data according to the plurality of sort keys, the sort key order, and the sort key directions in response to the input gesture.

The examiner states that Outlook 2000 sorts the table of data, relying on the examiner's generated figures 8-9 as showing the table sorted by type, name, and size. The applicant respectfully disagrees. The applicant respectfully submits that moving markers for columns from the table to the header portion fundamentally alters the table. In particular, the columns associated with the type, name, and size markers no longer exist in the table (i.e., there no longer is a type column, a name column, or a size column in the table). While the data is sorted according to these criteria, it is very different from the original table of data as evidenced by the nested entries in FIGS. 8 and 9. Claim 1, however, recites that markers are associated with a row or column of the table and that the sorting includes sorting the rows or columns of the table. Therefore, the applicant respectfully submits that the cited portions do not teach or suggest a sorting of the respective rows or columns of the table of data according to the plurality of sort keys, the sort key order, and the sort key directions in response to the input gesture.

In the examiner's Response to Arguments, the examiner states that "[t]he 'table of data' could be interpreted at least two ways: (1) a table of data in a table format with columns and rows; or (2) a table of data as a logical relationship of data as stored in a database, as subsequently displayed in any format, such as a text dump, single column, nested entries, or a table format. Claim 1 as recited does not indicate as to whether the table of data is a logical/abstract/structural object or one that indicates a particular format of display." (Office Action, page 12). The applicant respectfully disagrees.

Claim 1 recites displaying a table of data; thus, the examiner's interpretation of the claimed table as logically related data stored in a database is not consistent with the plain language of the claim. Moreover, the claim further recites the displayed table of data "having a plurality of sort keys having a specified sort key order including a most significant sort key, each sort key being a row or each sort key being a column of the table." Thus, contrary to the examiner's assertion, the applicant submits that the structure of the displayed table of data is

clearly recited in the claim. The examiner has not pointed to any basis for ignoring the plain language of the claim in order to rely on the alternative interpretation of a "displaying a table of data." Therefore, the applicant respectfully submits that the examiner is failing to consider the claim language in its entirety in rejecting the claim.

For the foregoing reasons, the applicant respectfully submits that claim 1, as amended, is allowable over Outlook 2000. Claims 2-19 depend from claim 1 and are allowable for the same reasons.

Claim 11

Claim 11 recites determining whether the user-selected marker is associated with the most significant key. If the user-selected marker is associated with the most significant key, a sort direction of the most significant key is changed. If the user-selected marker is not associated with the most significant key, the row or column associated with the user-selected marker is established as the most significant sort key responsive to the user selection of the marker and the positions and the sort directions of the remaining sort keys in the sort key order are maintained.

The examiner states that Outlook 2000 teaches that if the user-selected marker is not associated with the most significant key, the row or column associated with the user-selected marker is established as the most significant sort key because Outlook 2000 includes instructions that allow a user to drag a sort key to the top of the order at any time. Applicant respectfully submits that this is contrary to the claim language, which recites a determination that is performed as to whether a user selected marker is the most significant key or not. If not, the key is established as the most significant key. There is not further user action required to drag the key to the top of the order. To the contrary, the selection of the marker is all that is required.

Additionally, the examiner's Response to Arguments fails to address the applicant's foregoing arguments with respect to claim 11. "Where the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it" (MPEP § 707.07(f)). Therefore, the applicant respectfully submits that the examiner has failed to properly respond to the applicant's previous arguments as required.

The applicant respectfully submits that claim 11 is in condition for allowance for at least this additional reason.

Claim 16

Claim 16 recites instructions to determine whether a row or column associated with a user-selected marker is associated with a sort key in the sort key order, and when the row or column is a sort key that is not in the sort key order, removing the least significant sort key from the sort key order, and adding the row or column associated with the user-selected marker to the sort key order as the most significant sort key.

The Examiner states that Outlook 2000 teaches removing a least significant sort key by showing a user dragging action that drags the Name marker off of the sort key order at FIGS. 9-10. The applicant respectfully disagrees.

Claim 16 requires a determination as to whether a row or column associated with a user-selected marker is associated with a sort key in the sort key order having a predetermined number of sort keys. The least significant sort key is removed when the sort key associated with the user-selected marker is not in the sort key order. Outlook 2000 does not disclose or suggest removing the least significant sort key based on the determination, therefore Outlook 2000 does not disclose making the determination as required by claim 16.

In the examiner's Response to Arguments, the examiner states that "[t]hough the claims recite instructions for "determining," the subsequent "when" actions with respect to associated user-selected markers are not recited to be in "response" or "based" on such a determination, but merely in the cases where the key is or not in the sort key order. Column markers previously dragged over to the grouping area, such as Type in Fig. 6-7 are removed as choices for further grouping, Fig. 7, which indicates a determination of whether such markers are associated with a sort key in the sort key order" (Office Action, page 13). The applicant respectfully disagrees.

The applicant respectfully submits that the claim clearly indicates that a determining is performed and recites actions when the row or column associated with the user-selected marker is associated with a sort key not in the sort key order and when the row or column associated with the user-selected marker is associated with a sort key in the sort key order. Thus, the "when" actions are clearly tied to the determining.

Moreover, even assuming the examiner is correct, the examiner's reasons fail to address the claim language. In particular, the examiner's response states that the determined markers are removed from choices for grouping, yet they are also affirmatively positioned within a sort order. However, the claim recites that when a row or column associated with the user-selected marker is associated with the sort key not in the sort key order, the least significant sort key is removed.

Thus, the applicant respectfully submits that the examiner identifies a column as being in the sort key order if it is in a grouping, but fails to address the second part of the claim feature, namely, removing the least significant sort key when the row or column associated with the user-selected marker is associated with a sort key not in the sort key order. The applicant further notes that it is not the user-selected row or column that is removed from the sort key order, but another, least significant, key. Again, the applicant respectfully submits that the examiner has failed to reject each and every feature of the claim as required in order to establish a *prima facie* case for anticipation.

Therefore, the applicant respectfully submits that claim 16 is in condition for allowance.

Claims 20, 39, and 49

Claims 20, 39, and 49 each recite establishing a row or column associated with a user-selected marker as a most significant sort key in a sort key order in response to the input gesture including maintaining a sort direction from the sort key order, and maintaining the positions and the sort directions of two or more remaining sort keys in the sort key order and sorting the respective rows or columns of the table of data according to the plurality of sort keys, the sort key order, and the sort key directions in response to the input gesture.

The examiner rejected this feature for the same reasons as claim 1. As set forth above with respect to claim 1, the cited portions of Outlook 2000 fail to teach or suggest sorting the respective rows or columns of the table of data as the columns are removed from the table when the selected markers are dragged to the header. Furthermore, as set forth above, the cited portions fail to establish that the sort directions of the remaining sort keys are maintained. Therefore, the applicant respectfully submits that claims 20, 39, and 49 are allowable for the same reasons as set forth above with respect to claim 1. Furthermore, claims 21-22, 40-41, and 50-51, which depend from claims 20, 39, and 49, respectively, are also allowable.

Claims 23, 42, and 52

Claims 23, 42, and 52 each recite establishing the row or column associated with the user-selected marker as a sort key having an intermediate position in the sort key order defined by the location within the area in response to the input gesture including maintaining the sort direction from the sort key order, and maintaining the positions and the sort directions of the remaining sort keys in the sort key order including a most significant sort key and a least significant sort key and sorting the respective rows or columns of the table of data according to the plurality of sort keys, the sort key order, and the sort key directions in response to the input gesture.

As set forth above with respect to claim 1, the cited portions of Outlook 2000 fail to teach or suggest sorting the respective rows or columns of the table of data as the columns are removed from the table when the selected markers are dragged to the header. Furthermore, as set forth above, the cited portions fail to establish that the sort directions of the remaining sort keys are maintained. Therefore, the applicant respectfully submits that claims 23, 42, and 52 are allowable for the same reasons as set forth above with respect to claim 1.

Claims 32 and 44

Claims 32 and 44 include features corresponding to those of claim 1 and were rejected for the same reasons. For at least the reasons set forth above with respect to claim 1, the applicant respectfully submits that claims 32 and 44, as well as claims 33-36 and 45-46, which depend from claims 32 and 44, respectively, are in condition for allowance.

Claims 37 and 47

Claims 37 and 47 recite determining whether the user-selected marker is associated with the most significant key in the sort key order and if the user-selected marker is associated with the most significant key in the sort key order, changing a sort direction of the most significant key, and if the user-selected marker is not associated with the most significant key, establishing the row or column associated with the user-selected marker as the most significant sort key responsive to the user selection of the marker, the establishing including maintaining the sort direction from the sort key order, and maintaining the positions and the sort directions of two or more remaining sort keys in the sort key order. For at least the reasons set forth above with

respect to claims 1 and 11, the applicant respectfully submits that claims 37 and 47 are in condition for allowance.

Claims 38 and 48

Claim 38 recites receiving from the user one input gesture selecting a marker, the user-selected marker being associated with a row or a column of the table that is not associated with a sort key in the sort key order; determining whether the table of data has the predetermined number of sort keys in the sort key order, and if the table of data has the predetermined number of sort keys, removing the least significant sort key from the sort key order responsive to the user selection of the marker, adding the row or column associated with the user-selected marker to the sort key order as the most significant sort key.

As set forth above with respect to claim 16, the cited portions of Outlook 2000 do not teach or suggest removing a least significant sort key in response to any determination or in response to a user selection of a marker. Instead, the cited portions only show that a user can manually drag a marker from the sort key order. Therefore, the applicant submits that claim 38 is allowable for at least the same reasons as those set forth above with respect to claim 16.

Claim 48 recites features similar to claim 38 and therefore is allowable for at least the same reasons set forth above with respect to claim 38.

Conclusion

For the foregoing reasons, the applicant submits that all the claims are in condition for allowance.

By responding in the foregoing remarks only to particular positions taken by the examiner, the applicant does not acquiesce with other positions that have not been explicitly addressed. In addition, the applicant's selecting some particular arguments for the patentability of a claim should not be understood as implying that no other reasons for the patentability of that claim exist. Finally, the applicant's decision to amend or cancel any claim should not be understood as implying that the applicant agrees with any positions taken by the examiner with respect to that claim or other claims.

Applicant : Simonson et al.
Serial No. : 10/698,804
Filed : October 31, 2003
Page : 26 of 26

Attorney's Docket No.: 07844-0631001 / P584

Please apply any credits or charges to Deposit Account No. 06-1050.

Respectfully submitted,

Date: May 5, 2010

/Brian J. Gustafson/

Brian J. Gustafson

Reg. No. 52,978

Customer No. 21876
Fish & Richardson P.C.
Telephone: (650) 839-5070
Facsimile: (650) 839-5071

50707358.doc